

ATTACHMENT 5

**Proposed Order Granting Forty-Third Omnibus Objection (Non-Substantive) of the
Puerto Rico Highways and Transportation Authority and Employees Retirement System of
the Government of the Commonwealth of Puerto Rico to Duplicate, Deficient, and
Incorrect Debtor Claims**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et*
al.,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to HTA and
ERS.**

**ORDER GRANTING FORTY-THIRD OMNIBUS OBJECTION (NON-SUBSTANTIVE)
OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION AUTHORITY AND
EMPLOYEES RETIREMENT SYSTEM OF THE GOVERNMENT OF THE
COMMONWEALTH OF PUERTO RICO TO DUPLICATE, DEFICIENT, AND
INCORRECT DEBTOR CLAIMS**

Upon the *Forty-Third Omnibus Objection (Non-Substantive) of the Puerto Rico Highways and Transportation Authority and Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Duplicate, Deficient, and Incorrect Debtor Claims* (“Forty-Third Omnibus Objection”)² of the Puerto Rico Highways and Transportation Authority (“HTA”) and Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), dated June 6, 2019, for entry of an order disallowing in their entirety certain claims filed against

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority (“PREPA” and together with the Commonwealth, COFINA, HTA, and ERS, the “Debtors”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² Capitalized terms not otherwise defined herein shall have the meanings given to such terms in the Forty-Third Omnibus Objection.

HTA or ERS, as more fully set forth in the Forty-Third Omnibus Objection and supporting exhibits thereto; and the Court having jurisdiction to consider the Forty-Third Omnibus Objection and to grant the relief requested therein pursuant to PROMESA section 306(a); and venue being proper pursuant to PROMESA section 307(a); and due and proper notice of the Forty-Third Omnibus Objection having been provided to those parties identified therein, and no other or further notice being required; and each of the claims identified in Exhibit A to the Forty-Third Omnibus Objection (collectively, the “Duplicate, Deficient, and Incorrect Debtor Claims”) being partially duplicative, partially deficient, and partially filed in the wrong case; and the Court having determined that the relief sought in the Forty-Third Omnibus Objection is in the best interest of HTA and ERS, their creditors, and all the parties in interest; and the Court having determined that the legal and factual bases set forth in the Forty-Third Omnibus Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Forty-Third Omnibus Objection is GRANTED as set forth herein; and it is further

ORDERED that the claims identified in the column titled “Asserted” in Exhibit A to the Forty-Third Omnibus Objection are hereby reclassified in part to be claims asserted against another of the Debtors, as set forth in the column titled “Corrected” in Exhibit A to the Forty-Third Omnibus Objection; and it is further

ORDERED that the Debtors’ right to object to the Reclassified Claims is reserved; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed, in the official claims register in the Title III cases, to move the portions of each of the Duplicate, Deficient, and Incorrect Debtor

Claims from the HTA Title III Case or ERS Title III Case, to the Title III case(s) for the Commonwealth and/or PREPA, as identified in the column titled “Corrected” in Exhibit A to the Forty-Third Omnibus Objection; and it is further

ORDERED that, to the extent that the Duplicate, Deficient, and Incorrect Debtor Claims, are deficient or duplicative, such portions of the claims are hereby disallowed; and it is further

ORDERED that Prime Clerk, LLC, is authorized and directed to delete the disallowed portions of the Duplicate, Deficient, and Incorrect Debtor Claims from the official claims register in the HTA Title III Case and ERS Title III Case, as applicable; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

Dated: _____

Honorable Judge Laura Taylor Swain
United States District Judge